IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 218(S/S) 2007

Smt. Saraswati Saxena
W/o Sri Ashok Kumar Saxena,
Resident of Dineshpur,
District Udham Singh Nagar.

.....Petitioner.

Verses

1. State of Uttarakhand through Secretary,
   Mahila Evam Baal Kalyan, Department/Secretariat,
   Govt. of Uttarakhand, Dehradun.
2. The District Magistrate, Udham Singh Nagar,
3. The Chief Development Officer, (C.D.O.),
   Udham Singh Nagar,
4. Bal Vikas Pariyojana Adhikari,
   Gadarpur, Udham Singh Nagar.

.....Respondents.

Sri K.S. Bora, learned counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for State/respondents,

Hon'ble M.M. Ghildiyal, J.

Heard Sri K.S. Bora, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

a. To issue a writ, order or direction in the nature of mandamus directing the respondents to consider the petitioner for joining as an Aangan Bari Worker to the centre she has been running as it has been started again and/or allow /consider her for joining in any other neighbouring centers.

b. To issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the present case,

c. To allow this writ petition and award the cost of it in favour of the petitioner.

Grievance of the petitioner is that she was working as Aangan Bari Karyakarti for a long period at Village Centre Jainagar no. 1, Gadarpur, district Udham Singh Nagar. In 1995, the said centre was closed for being shifted to the neighbouring village Durgapur, Dineshpur, Udham Singh Nagar, however the said centre has again been started at Jainagar No. 1 and the petitioner is not being permitted to work as Aangan Bari Karyakarti in the Centre in which she has been working for about 7 years. In fact, the said Centre was closed on wrong and incorrect information furnished by the village Pradhan in collusion with some other person, who was desirous that the petitioner may not be permitted to continue at the Centre.

The submission of learned counsel for the petitioner is that, since the Centre has again been started, the petitioner has a right to be considered for reappointment on the post of Aangan Bari Karyakarti. Raising all her grievances, the petitioner raised an Industrial Dispute no. 1 of 1998 which was ultimately decided by the Presiding Officer, Labour Court holding that the Bal Vikas Pariyojana, under which the petitioner was working is not an Industry, therefore, the reference is not maintainable and the petitioner was directed to approach appropriate forum for redressal of her grievances. Consequently, the petitioner has filed the present writ petition.

It is submitted that the petitioner has already moved a representation raising all her grievances to the Project Officer, Bal Vikas Pariyojana, Gadarpur, district Udham Singh Nagar on 16.12.2006 which is annexed as annexure no. 8 to the writ petition.

In the forgoing circumstances, I deem it fit and proper to direct the respondent no. 4 i.e. Bal Vikas Pariyojana Officer, Gadarpur, district Udham Singh Nagar to take decision on the representation of the petitioner dated 16.12.2006, within a period of four weeks' from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

March 21, 2007:
NCM: